

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ANAHEIM GARDENS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 93-655C
)	(Judge Tapp)
THE UNITED STATES,)	
)	
Defendant.)	

UNOPPOSED MOTION TO EXTEND EXPERT DISCOVERY DEADLINES

Plaintiffs, by and through their attorneys, hereby submit their unopposed motion to extend the expert deadlines set forth in the Order issued by the Court on December 17, 2024 (ECF No. 802) (“December 17 Order”). As grounds therefore the plaintiffs state as follows:

1. Pursuant to the Court’s December 17 Order, the parties must: (a) exchange affirmative expert reports by February 28, 2025, (b) exchange rebuttal expert reports by April 18, 2025, and (c) complete expert discovery, including any expert depositions, by May 28, 2025.

2. On Friday, January 24, 2025, the Court issued its Post-Trial Opinion and Order (ECF No. 809) with respect to the First Wave Plaintiffs (“FWPs”).

3. Counsel for the plaintiffs is discussing the opinion with each of the plaintiffs and reviewing it with an expert for Second Wave Plaintiffs (“SWPs”). That process is time consuming for several reasons, including the large number of plaintiffs and properties at issue in this case.

4. SWPs would be unduly prejudiced by the current expert discovery deadlines in the December 17 Order, which do not provide sufficient time for the plaintiffs to assess and address the potential impact of the Court’s Post-Trial Opinion on SWPs’ claims and expert analysis of

those claims and to incorporate those considerations into an expert report addressing the claims of dozens of SWPs.

5. As a result, the plaintiffs respectfully request an extension of the expert discovery deadlines as follows:

- a. Parties exchange affirmative expert reports by April 24, 2025;
- b. Parties exchange expert rebuttal reports by June 9, 2025; and
- c. Close of expert discovery on June 30, 2025.

6. Plaintiffs' counsel conferred with counsel for the defendant about the proposed extension and modified it to conform with dates requested by the defendant. The dates were mutually agreed to. The defendant does not oppose this motion.

Dated: January 31, 2025

Respectfully submitted,

/s/ Harry J. Kelly

Harry J. Kelly
NIXON PEABODY LLP
799 9th Street N.W., Suite 500
Washington, D.C. 20001
(202) 585-8000
hkelly@nixonpeabody.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing Unopposed Motion to Extend Expert Discovery Deadlines to be served electronically on this 31st day of January 2025, electronically on the following recipients:

AMANDA L. TANTUM
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
Department of Justice
Ben Franklin Station
P.O. Box 480
Washington, D.C. 20044
amanda.tantum@usdoj.gov

/s/ Harry J. Kelly
Harry J. Kelly